

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF CALIFORNIA

KARLIS RUBEN AUGUSTUS  
HOWARD,

Plaintiff,

v.

AYLANA OLIVIA PARKS, et al.,

Defendants.

No. 1:24-cv-00285-JLT-SAB (PC)

ORDER ADOPTING FINDINGS AND  
RECOMMENDATIONS TO DISMISS  
CERTAIN CLAIMS

(Doc. 29)

Plaintiff is proceeding pro se and in forma pauperis in this action filed pursuant to 42 U.S.C. § 1983. This matter was referred to a United States Magistrate Judge pursuant to 28 U.S.C. § 636(b)(1)(B) and Local Rule 302.

The assigned magistrate judge recommended this action proceed only on Plaintiff's failure to protect and negligence claims against Defendant Rodriguez, and all other claims and Defendants be dismissed from the action. (Doc. 14.) The Court served the Findings and Recommendations on the plaintiff and notified him that any objections were due within 14 days. (*Id.* at 13.)<sup>1</sup> The Court advised him that the "failure to file objections within the specified time may result in the waiver of rights on appeal." (*Id.*, citing *Wilkerson v. Wheeler*, 772 F.3d 834,

<sup>1</sup> On July 22, 2024, the Court received a notice of change of address from Plaintiff, which indicated Plaintiff had been moved within Avenal state prison. (Doc. 15) The postal mailing address used by the Court, however, did not change.

838-39 (9th Cir. 2014).) Plaintiff did not file objections, and the time to do so has passed.

According to 28 U.S.C. § 636(b)(1)(C), this Court performed a de novo review of this case. Having carefully reviewed the matter, the Court concludes the Findings and

Recommendations are supported by the record and proper analysis. Thus, the Court **ORDERS**:

1. The Findings and Recommendations issued on July 3, 2024 (Doc. 14) are **ADOPTED** in full.
2. This action **PROCEEDS** only on Plaintiff's failure to protect and negligence claims against Defendant Rodriguez.
3. The remaining claims against any Defendant are **DISMISSED**.
4. The matter is referred to the magistrate judge for further proceedings.

IT IS SO ORDERED.

Dated: **August 1, 2024**

  
UNITED STATES DISTRICT JUDGE